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EXAMINER

VO, TED T

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/681,584

Applicant(s)

MATHUR ET AL.

Examiner

Ted T. Vo

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 31-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 and 31-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the Amendment filed under Request for Continued Examination on 10/07/2004 to the claimed amendment filed on 07/19/2004. The claimed amendment is entered.

Claims 1, 7, 9, 16-17, 21 are amended. Claim 30 is canceled.

Claims 1-29, 31-39 remain pending in the application.

Response to Arguments

2. Applicants' arguments to Claims 1-29, 31-39, particularly to amended independent Claims 1, 7, 17, and 21 have been fully considered.

Applicants argue that Salas (US 5,862,391), does not describe or suggest a method for adding device to a power management control that includes the steps recited in the Claim 1 (remarks: page 11, lines 1-2 of second paragraph); particularly, Applicants argue Salas does not describe or suggest the newly added limitation, "*restarting, by a programmable device, the project after at least one of adding, deleting, and changing said devices*" (remarks, page 11, second paraphrase), in the independent Claim 1, and the argument maintained in the same manner to independent Claim 7 (remarks: page 12, first full paragraph), Claim 17 (remarks: page 12, last paragraph), and Claim 21 (remarks: page 13, third full paragraph).

Examiner respectfully disagrees.

With regards to "adding device to a power management control", this argument has been addressed in the prior amendment and responded in the prior Office Action dated on 05/17/2004 (page 2-3 section 3).

With regards to the argument to the newly added limitation: *restarting, by a programmable device, the project after at least one of adding, deleting, and changing said devices*, where Applicants contend that

“Rather, Salas et al., describe selecting a run button after configuration of the devices is set, bringing the server on-line by selecting the run button, disabling the configuration option by selecting the run button, and reading, from a .INI file, a number of samples read from one of the devices. Accordingly, Salas et al. do not describe or suggest restarting, by a programmable device”.

Examiner has reviewed the specification. Nowhere in the specification it discloses the feature's as claimed, or that could be read as such in the limitation as Applicant's argued. The specification mentions only a Power Builder that facilitates additions and is configured for creating points associated with selected devices. Such specification's mentions have been done similarly in the Salas. It is noted that the claimed feature “*restarting, [omitted], the project after at least one of adding, deleting, and changing said devices*”, is admitted as disclosed by prior art, instead (See in the specification, FIG. 2 – PRIOR ART, character numeral 142).

Given the broad interpretation of this limitation in light of the specification, Salas discloses “*restarting, by a programmable device, the project after at least one of adding, deleting, and changing said devices*” as recited in Claim 1 and in such manners in Claims 1, 7, 17, 21. For example, in column 24, started at line 16, “After configuration is set at defined above, the SERVER button is selected on the SERVER WINDOWS APPLICATION_SERVER screen generating a menu from which RUN is selected as shown in FIG.56, bringing the server on-line...”; in column 25, started at line 21, “When the server is not running,..., the user can configure the system...”, started at line 24, “when the server is running...”, started at line 31, “the DDE server starts up, reads configuration data from disk and initialized all other objects...”. All these Salas discussions suggest that its Power Management Control has been started/restarted based on the DDE SERVER WINDOWS APPLICATION-SERVER screen on-line/off-line modes. More importantly, starting or restarting is admitted by Applicants as nature features of the prior art (FIG.2 – PRIOR ART). The .INI files, initialization files shown by Salas revealed that its system requires initialization, which is a common feature when a new device is added a system.

Therefore, Applicants' arguments to the newly added limitations of Claim 1, 7, 17, and 21 are not persuasive based on the Salas' teaching and admitted prior art as discussed above.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-6, 31-33, 21-29, 38-39 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per Claims 1-6, 31-33:

Claims 1-6 and 31-33, led by Claim 1, recite limitation "*restarting, by a programmable device, the project after at least one of adding, deleting, and changing said devices*", particularly, "*restarting, by a programmable device*", which is identified as a feature not being disclosed in the specification.

As per Claims 21-29, 38-39:

Claims 21-29 and 38-38, led by Claim 21, recite limitation "*restarting, by a programmable device, a project to which the devices are added after at least one of adding, deleting, and changing the devices*", particularly, "*restarting, by a programmable device*", which is identified as a feature not being disclosed in the specification.

- Examiner would request Applicants to point out where the feature(s) in the specification, as regarding by Applicants for having the possession of the claimed invention.

Claim Rejections - 35 USC § 112

Art Unit: 2122

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-6, 31-33, 21-29, 38-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per Claims 1-6, 31-33:

Claims 1-6 and 31-33, led by Claim 1, recite limitation *"restarting, by a programmable device, the project after at least one of adding, deleting, and changing said devices"*, this limitation could not be identified in the specification. The limitation is indefinite because the feature of Claimed limitation is ambiguous. The feature of this limitation is interpreted as being in an admitted prior in accordance to FIG. 2 – PRIOR ART.

As per Claims 21-29, 38-39: Regarding limitation: *"restarting, by a programmable device, a project to which the devices are added after at least one of adding, deleting, and changing the devices"*, particularly, *"restarting, by a programmable device"*, is indefinite. Same rationale as addressed in Claims 1-6, 31-33 above.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-29, 31-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Salas et al., US 5,862,391.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1:

Salas discloses a power management system comprising: *"A method for adding devices to a power management control system, said the method comprising the steps of:*

prompting a user to create a project (See column 13, lines 5-7, "generate a power distribution device interface without programming skills");

prompting the user to add devices to the project (See FIG. 40, popup window 'Device Configuration' with 'Add' button, see column 23, line 18, "new device");

executing a file to automatically configure the devices (See column 23, lines 26-28, 'button CONFIGURATION' on the server windows application, or see column 24, lines 16-29, "run");

generating screens for the devices added to the project (see column 24, lines 30-42, "VIEW" button);

automatically updating a configuration of at least one of the devices and the screens;

(Salas discloses the such limitation in updating such a device configuration using screen tab devices such "add" and "modify" (See FIG 40), and using pull down menu (See FIG. 41) that shows the device type. Salas further discloses a wizard ('PowerWizard') that assists adding a power device and also has ability of automatic update/correct device's configurations from user input's errors (See column 13, lines 1-23; Column 21, lines 49-65)); *and*

restarting, by a programmable device, the project after at least one of adding, deleting, and changing said devices" (See in column 24, started at line 16, "After configuration is set at defined above, the SERVER button is selected on the SERVER WINDOWS APPLICATION_SERVER screen generating a menu from which RUN is selected as shown in FIG.56, bringing the server on-line..."; in column 25, started at line 21, "When the server is not running,..., the user can configure the system...", started at line 24, "when the server is running...", started at line 31, "the DDE server starts up, reads configuration data from disk and initialized all other objects...").

As per Claim 2: Salas discloses claim limitation in the button "file" in a window, a file selection, appeared on left top of the window (see FIG. 7).

As per Claim 3: Salas discloses claim limitation in the "file" button in a window on left top of the popup window (see FIG. 7). When a file exists in a file registry, there will be a means of availability, and a means of option; a mouse click set upon a file in the registry will provide a selection.

As per Claim 4: Salas discloses a popup screen that includes the device descriptions (See FIG. 52).

As per Claim 5: Salas discloses a popup screen that allows a user to enter an added device (See FIG. 41).

As per Claim 6: Salas discloses the limitation of Claim 6 (see column 13, lines 29-41; column 13, lines 5-41, PowerWizard, that provides ranges of devices).

As per Claim 31: Salas's discloses the limitation of Claim 31 (See FIG. 42, "com port:").

As per Claim 32: Salas discloses the limitation of Claim 32 (See FIG. 40, "add", that prompts FIG. 41 for adding a device, including 'com port', 'Device Type' etc, and it also prompts FIG. For source and information of the device type. FIG. 42, with pull down tabs allow determining that a selected device type is existed or not).

As per Claim 33: Salas discloses the limitation of Claim 33 (See column 13, lines 29-41); Salas includes PowerWizard (see column 13, lines 5-41) that provides ranges of devices.

As per Claim 7: Salas discloses, *"a power management system comprising:*

A control computer (see FIG. 1, computer 122); at least one intelligent device (see FIG. 1, devices connected to Modbus Concentrator 138) interfaced to said control computer for controlling and monitoring power; and

A software package comprising a user interface (see FIG. 4, 164a), and applications layer (see FIG. 68, feature numeral 610), an operating system (see column 2, Microsoft Window environment lines 37-38); and a Power Builder (See FIG. 4, Applications Module 156) for facilitating automated addition and configuration of user selected intelligent end devices to said power management control system (See column 2, lines 33-36, 'software for monitoring and controlling', or FIG. 4, feature numeral 156), said Power Builder configured to build external applications onto a power management control project

framework (see FIG.s 40-41), automatically create points (See column 13, lines 29-41) associated with said selected intelligent end devices (see FIG. 2), generate main menu screens for said selected intelligent end devices (see FIG. 41), and restarting a project to which said at least one intelligent end device is added after at least one of adding, deleting and changing said at least one intelligent end device (See in column 24, started at line 16, "After configuration is set at defined above, the SERVER button is selected on the SERVER WINDOWS APPLICATION_SERVER screen generating a menu from which RUN is selected as shown in FIG.56, bringing the server on-line..."; in column 25, started at line 21, "When the server is not running,..., the user can configure the system...", started at line 24, "when the server is running...", started at line 31, "the DDE server starts up, reads configuration data from disk and initialized all other objects..."),

wherein said software package is configured to automatically update a configuration of at least one of said selected intelligent end devices, said points, and said screens" (Salas discloses the such limitation in updating such a device configuration using screen tab devices such "add" and "modify" (See FIG 40), and using pull down menu (See FIG. 41) that shows the device type. Salas further discloses a wizard ('PowerWizard') that assists adding a power device and also has ability of automatic update/correct device's configurations from user input's errors (See column 13, lines 1-23; Column 21, lines 49-65)).

As per Claim 8: Salas discloses claim limitation of Claim 8 in "file" tab in a window (See FIG. 7). When a file exists in a file registry, there will be a means of availability, and means of option. A mouse click set upon a file in the registry will provide a selection.

As per Claim 9: Salas shows the applications module comprises add device configuration (FIG. 41) that can add a device to the power management control system.

As per Claim 10: Salas shows the add device configuration (FIG. 41) comprising descriptions of an added device; the descriptions indicate device type, device name, etc.

As per Claim 11: The software for monitoring and controlling selected aspects of the power management control system includes DDE (See column 11, lines 19-25); where the DDE provides data configured to a field device (See column 24, lines 52-67).

Art Unit: 2122

As per Claim 12: The software for monitoring and controlling selected aspects of the power management control system includes a list configured devices (see FIG. 40), a wizard (FIG. 10), data file with points (see column 13, lines 29-41); even logger (FIG. 4,160).

As per Claim 13: Salas includes .INI file (See column 20, line 16), where INI extension is known as a file used in initialization.

As per Claim 14: FIG.s 60-64 have means of facilitating a view of a selected device.

As per Claim 15: FIG. 13 is a wizard selection dialog box which includes wizard templates in the left side.

As per Claim 16: Salas discloses the limitation (See column 7, 19-27).

As per Claim 34: Salas discloses the limitation of Claim 34 (See FIG 40, Application name, device name in the box, FIG. 42, "com port:").

As per Claim 35: Salas discloses the limitation of Claim 35 (See FIG. 40, "add", that prompts FIG. 41 for adding a device, including 'com port', 'Device Type' etc, and it also prompts FIG. For source and information of the device type. FIG. 42, with pull down tabs allow determining that a selected device type is existed or not).

As per Claim 17: The claim has the claimed functionality corresponding to Claim 1. Claim 17 is rejected in the same reason set forth in connecting to Claim 1.

As per Claim 18: The claim has the claimed functionality corresponding to Claim 2. Claim 18 is rejected in the same reason set forth in connecting to Claim 2.

As per Claim 19: The claim has the claimed functionality corresponding to Claim 4. Claim 19 is rejected in the same reason set forth in connecting to Claim 4.

As per Claim 20: The claim has the claimed functionality corresponding to Claim 5. Claim 20 is rejected in the same reason set forth in connecting to Claim 5.

As per Claim 36: The claim has the claimed functionality corresponding to Claim 31. Claim 36 is rejected in the same reason set forth in connecting to Claim 31.

As per Claim 37: The claim has the claimed functionality corresponding to Claim 32. Claim 37 is rejected in the same reason set forth in connecting to Claim 32.

Art Unit: 2122

As per Claim 21: The claim has the claimed functionality corresponding to Claim 7. Claim 21 is rejected in the same reason set forth in connecting to Claim 7.

As per Claim 22: The claim has the claimed functionality corresponding to Claim 8. Claim 22 is rejected in the same reason set forth in connecting to Claim 8.

As per Claim 23: The claim has the claimed functionality corresponding to Claim 9. Claim 23 is rejected in the same reason set forth in connecting to Claim 9.

As per Claim 24: The claim has the claimed functionality corresponding to Claim 10. Claim 24 is rejected in the same reason set forth in connecting to Claim 10.

As per Claim 25: The claim has the claimed functionality corresponding to Claim 11. Claim 25 is rejected in the same reason set forth in connecting to Claim 11.

As per Claim 26: The claim has the claimed functionality corresponding to Claim 12. Claim 26 is rejected in the same reason set forth in connecting to Claim 12.

As per Claim 27: The claim has the claimed functionality corresponding to Claim 13. Claim 27 is rejected in the same reason set forth in connecting to Claim 13.

As per Claim 28: The claim has the claimed functionality corresponding to Claim 14. Claim 28 is rejected in the same reason set forth in connecting to Claim 14.

As per Claim 29: The claim has the claimed functionality corresponding to Claim 15. Claim 29 is rejected in the same reason set forth in connecting to Claim 15.

As per Claim 38: The claim has the claimed functionality corresponding to Claim 34. Claim 38 is rejected in the same reason set forth in connecting to Claim 34.

As per Claim 39: The claim has the claimed functionality corresponding to Claim 35. Claim 39 is rejected in the same reason set forth in connecting to Claim 35.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3694. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TED T. VO

Ted T. Vo
Primary Examiner
Art Unit 2122
December 23, 2004